

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MacNEIL AUTOMOTIVE PRODUCTS
LIMITED d/b/a WEATHERTECH; and
MacNEIL IP LLC,

Plaintiffs,

v.

JINRONG (SH) AUTOMOTIVE
ACCESSORY DEVELOPMENT CO.,
LTD.; and RUI DAI,

Defendants.

C20-856 TSZ

MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable Thomas S. Zilly, United States District Judge:

(1) By Order entered August 19, 2021, docket no. 187, the Court indicated that claim construction and subsequent dates and deadlines in this matter would not be set until after related proceedings before the Patent Trial and Appeal Board (“PTAB”) were resolved. By Minute Order entered November 22, 2021, docket no. 197, the Court granted plaintiffs leave to amend to add *inter alia* claims that defendant Jinrong (SH) Automotive Accessory Development Co., Ltd. (“Jinrong”) has infringed United States Patent Nos. 8,899,655 (the “’655 Patent”) and 9,138,917 (the “’917 Patent”). On December 14, 2021, Jinrong timely filed a motion, docket no. 199, to dismiss the infringement claims involving the ’655 and ’917 Patents. Jinrong has unilaterally renoted its motion multiple times, and the motion is currently set for consideration on March 11, 2022. On January 18, 2022, the parties submitted a Joint Status Report, docket no. 203, indicating that the matters before the PTAB have concluded, that Jinrong intended to provide plaintiffs with samples of the accused products, and that the parties would file another joint status report proposing a case schedule. On February 28, 2022, the parties

1 submitted a Joint Status Report, docket no. 208, stating that Jinrong had not yet produced
2 samples of the accused products and would not be able to do so until March 2022. They
3 asked the Court not to issue a scheduling order until after the parties provide another joint
status report (roughly 45 days after plaintiffs receive the samples of accused products)
and sometime after the Court rules on the pending motion to dismiss. Being so advised
concerning the status of this matter, the Court ORDERS as follows:

4 (a) Jinrong's motion to dismiss, docket no. 199, is STRICKEN without
5 prejudice to file either a responsive pleading or motion within sixty (60) days after
Jinrong provides samples of the accused products;

6 (b) Jinrong shall produce samples of the accused products on or before
7 March 31, 2022; and

8 (c) The parties shall meet and confer and file, on or before April 15,
2022, a Joint Status Report setting forth a proposed schedule for this case and
9 indicating whether, in light of the resolution of the related PTAB proceedings, this
matter should now be consolidated for all purposes with C20-278 TSZ.

10 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
11 record.

12 Dated this 1st day of March, 2022.

13 Ravi Subramanian
Clerk

14 s/Gail Glass
15 Deputy Clerk